

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 2029

1 WHEREAS, Doug Schmidt and Michael Thomalla have submitted an
2 application designated as Special Permit No. 2029 for authority to construct the S.W. 1st
3 Street Apartments Community Unit Plan consisting of 30 dwelling units, on property located
4 at West A Street and S.W. 1st Street, and legally described to wit:

5 The remaining portion of Lot 1, Fairway Addition, located in the
6 Southeast Quarter of Section 27, Township 10 North, Range
7 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska,
8 more particularly described as follows:

9 Beginning at the north most corner of said Lot 1; thence on the
10 northerly line of said Lot 1, on an assigned bearing of south 73
11 degrees 39 minutes 45 seconds east, a distance of 217.90
12 feet; thence continuing on said northerly line, south 57 degrees
13 33 minutes 59 seconds east, 118.69 feet, to a point on the
14 west right-of-way line for S.W. 1st Street; thence on said west
15 right-of-way line for the next five courses, south 0 degrees 15
16 minutes 03 seconds west, 26.86 feet; thence south 86 degrees
17 32 minutes 48 seconds west, 6.98 feet; thence south 0
18 degrees 14 minutes 03 seconds west, 260.79 feet; thence
19 south 4 degrees 02 minutes 54 seconds west, 63.46 feet;
20 thence south 37 degrees 19 minutes 18 seconds west, 50.37
21 feet, to a point on the south line of said Lot 1, said point being
22 on the north right-of-way line for West A Street; thence on said
23 south line of Lot 1, south 90 degrees 00 minutes 00 seconds
24 west, 128.01 feet, to the southeast corner of Lot 2, said
25 Fairway Addition; thence on the east line of said Lot 2, north 0
26 degrees 02 minutes 31 seconds east, 196.09 feet to the
27 northeast corner of said Lot 2; thence on the north line of said
28 Lot 2, south 90 degrees 00 minutes 00 seconds west, 209.00
29 feet to the northwest corner of said Lot 2, said point being the
30 southwest corner of said Lot 1; thence on the west line of said
31 Lot 1, north 0 degrees 13 minutes 05 seconds west, 208.68
32 feet to a point on the northwesterly line of said Lot 1; thence on
33 said northwesterly line, north 32 degrees 39 minutes 43
34 seconds east, 132.57 feet to the point of beginning;

1 WHEREAS, the real property adjacent to the area included within the site
2 plan for this community unit plan will not be adversely affected; and

3 WHEREAS, said site plan together with the terms and conditions hereinafter
4 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
5 Code to promote the public health, safety, and general welfare.

6 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
7 Lincoln, Nebraska:

8 That the application of Doug Schmidt and Michael Thomalla, hereinafter
9 referred to as "Permittee", to construct the S.W. 1st Street Apartments Community Unit
10 Plan consisting of 30 dwelling units, on the property legally described above, be and the
11 same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of
12 the Lincoln Municipal Code upon condition that construction and operation of said
13 community unit plan be in strict compliance with said application, the site plan, and the
14 following additional express terms, conditions, and requirements:

- 15 1. This permit approves 30 dwelling units.
- 16 2. Before receiving building permits:
 - 17 a. The Permittee must submit an acceptable, revised, and
18 reproducible final plan including five copies.
 - 19 b. The construction plans must conform to the approved plans.
- 20 3. Before occupying the dwelling units, all development and construction
21 must be completed in conformance with the approved plans.
- 22 4. All privately-owned improvements must be permanently maintained
23 by the owner or an appropriately established homeowners association approved by the City
24 Attorney.

1 5. The site plan approved by this permit shall be the basis for all
2 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
3 elements, and similar matters.

4 6. The terms, conditions, and requirements of this resolution shall be
5 binding and obligatory upon the Permittee, their successors, and assigns. The building
6 official shall report violations to the City Council which may revoke the special permit or
7 take such other action as may be necessary to gain compliance.

8 7. The Permittee shall sign and return the City's letter of acceptance to
9 the City Clerk within 30 days following approval of the special permit, provided, however,
10 said 30-day period may be extended up to six months by administrative amendment. The
11 City Clerk shall file a copy of the resolution approving the special permit and the letter of
12 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
13 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003:

Mayor